

Appln. No. 10/520,092
Amdt. Dated: January 8, 2008
Reply to Office action of October 19, 2007

RECORDATION OF EXAMINER INTERVIEW

An interview initiated by the Applicant was conducted by telephone with the Examiner on October 29, 2007 to discuss the pending claims and the rejections applied by the Examiner.

With respect to claims 19-34, the Examiner relied on US Patent Application Publication 2004/0259709 to Guidotti et al. in order to reject Applicants' claims on the basis of anticipation under 35 U.S.C. §102(e) and in combination with another reference, US Patent 6,079,188, on the basis of obviousness under 35 U.S.C. §103(a).

The current application claims priority to German Application 102 37 544.5 filed on August 16, 2002 which antedates the 102(e) date for Guidotti, October 31, 2002. A certified copy of the German Application upon which Applicant claims priority was submitted with the present application on January 4, 2005; therefore, Guidotti is not prior art to Applicant's invention. The Examiner agreed that the Guidotti reference is not prior art to Applicant's invention and that the rejections based on this reference should be accordingly withdrawn.

With respect to claims 19, 23-25, 29 and 30, the Examiner relied on US Patent 3,956,872 to Johnson to reject Applicant's claims on the basis of anticipation under 35 U.S.C. §102(b). Applicant attempted to explain to the Examiner that claims 19, 23-25, 29, and 30 include the limitation of a packaging having a marking that correlates to the dimensions and geometry of the packaging. The Johnson reference discloses no such element. Johnson discloses a packaging have a marking such as date indicia, which provides no mathematical correlation to the

dimensions of the packaging upon which it is printed. The Examiner was not persuaded by Applicant's arguments and asserted that because the date indicia must be applied to a specific location on the packaging, the marking would therefore correlate to the dimensions and geometry of the packaging. Applicant's objected to the Examiner's definition of "correlate" and no agreement was reached on the disposition of claims 19, 23-25, 29 and 30.